

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
SEP - 4 2007
CLERK, U.S. DISTRICT COURT
By _____
Deputy

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

JAMES URIAH DUNAWAY,
TDCJ ID NO. 742465,

Plaintiff,

v.

NO. 2:04-CV-195-J

MICHAEL F. CLAYTON,

Defendant.

ORDER

On June 29, 2007, Defendant Clayton filed a "Motion for Summary Judgment" with supporting brief and attachments. The Court has the report and recommendation from the United States Magistrate Judge to deny the motion, and the Defendant's response.

After considering the recommendation and response, the Court is of the opinion that the recommendation is not clearly erroneous, and accordingly, the motion is denied.

IT IS SO ORDERED.

Signed this 46 day of September 2007.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE